

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GARY C. and GALE B. WARREN

and

TOLL BROS., INC.,

Plaintiffs,

v.

NEW CASTLE COUNTY,

Defendant.

C.A. No. 07-725 LPS

**[PROPOSED] STIPULATED BRIEFING SCHEDULE ON NEW CASTLE  
COUNTY'S MOTION TO DISMISS**

WHEREAS, Plaintiffs Gary Warren, Gail Warren, and Toll Bros., Inc. (collectively "Toll Bros.") filed a complaint against New Castle County ("County") on or about November 13, 2007;

WHEREAS, the complaint was served on the County on or about November 15, 2007;

WHEREAS, the County has advised Toll Bros. that it intends to file a motion to dismiss the complaint;

WHEREAS, the parties have conferred on a mutually agreeable schedule for disposition of the County's motion to dismiss, which takes into account the trial and other commitments of counsel for the parties;

NOW THEREFORE, it is stipulated by the parties, subject to approval by the Court, that briefing on the County's motion to dismiss shall proceed as follows:

1. The County shall file its motion to dismiss and opening brief on or before January 4, 2008.

2. If Toll Bros. desires to file an amended complaint in response to the County's motion, Toll Bros. shall file its amended complaint on or before January 18, 2008.

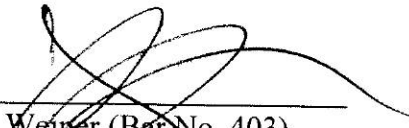
3. If an amended complaint is filed by Toll Bros. on or before January 18, 2008, the County shall answer, plead or otherwise respond to the amended complaint on or before January 31, 2008. If the County moves to dismiss all or part of any amended complaint filed by Toll Bros., the parties shall confer and submit a briefing schedule on the County's motion to dismiss the amended complaint on or before January 31, 2008.

4. If Toll Bros. does not file an amended complaint on or before January 18, 2008, it shall file its answering brief in opposition to the County's motion to dismiss on January 31, 2008.

5. If Toll Bros. does not file an amended complaint on or before January 18, 2008, the County shall file its reply brief in support of its motion to dismiss on or before February 15, 2008.

6. If the County raises new issues in its February 15, 2008 reply brief which were not fairly presented in its opening brief, Toll Bros. shall be permitted to file a sur-reply brief on or before February 22, 2008. If no new issues are raised in the County's reply brief, Toll Bros. shall not file a sur-reply without first obtaining permission of the Court.

LAW OFFICES OF JEFFREY M.  
WEINER

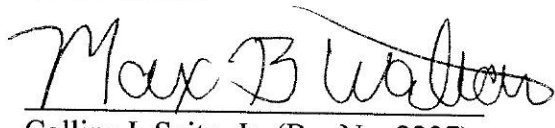
  
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Dated: December 12, 2007

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Attorneys for Defendants

Dated: December 11, 2007

IT IS SO ORDERED, this \_\_\_\_\_ day of December, 2007.

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Leonard P. Stark, U.S.M.J.